

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE: )  
 )  
RICHARD LEE DANIELS, ) Bk. No. **05-04239-3KL-13**  
109 Alice Smith Drive ) Chapter 13  
Portland, TN 37148 ) Judge Lundin  
 )  
SSN: XXX-XX-6132 )  
 )  
Debtor(s). )

ORDER DISMISSING CASE AND AWARDING ADMINISTRATIVE CLAIM

This matter came to be heard on June 30, 2005, continued from June 13, 2005, continued from June 6, 2005 upon the issue of confirmation of the debtor's proposed Chapter 13 plan, the Trustee's objection to confirmation, and the objection to confirmation raised by Christy Bradley. At the call of the docket, debtor's counsel announced he could not contest the Trustee's Motion to Dismiss.

Christy Bradley, appearing *pro se*, requested the Court impose a bar on the debtor refiling for a period of at least 180 days.

The Court noted that inadequate notice of the request of the creditor had been provided to the debtor and debtor's counsel and, accordingly, elected not to rule on the Motion to Dismiss raised by the creditor and ruled on the Trustee's Motion to Dismiss.

The creditor, Christy Bradley, made request for an award of administrative claim under § 503. The Court granted the request of the creditor for an award of administrative claim reflecting two (2) monthly installments due post-petition on the underlying mortgage obligation in the amount of \$650.01 per month and an award of insurance which had been paid by the creditor on behalf of the debtor in the amount of \$373.98.

It is

ORDERED, that the above styled case is dismissed; it is further

ORDERED, that Christy Bradley is awarded an administrative claim in the amount of \$1,674; it is further

ORDERED, the Trustee is authorized to disburse from any funds on hand any unpaid filing fee or notice fee and thereafter forward such funds in an amount sufficient to satisfy the allowed administrative claim of Christy Bradley before any funds are returned to the debtor; it is further

ORDERED, that the application of Christy Bradley to impose a bar on the debtor refiling for a period of 180 days is denied for inadequate notice to parties in interest.

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Keith M. Lundin  
Bankruptcy Judge

APPROVED BY:

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for Henry E. Hildebrand, III  
Standing Trustee  
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing Order has been forwarded to Mr. J. Michael Combs, 1711 Parkway Towers, 404 James Robertson Parkway, Nashville, Tennessee 37219; Mr. Richard L. Daniels, 109 Alice Smith Drive, Portland, Tennessee 37148; Ms. Christy Bradley, P. O. Box 9, Cross Plains, Tennessee 37049; and Ms. Beth R. Derrick, Assistant U.S. Trustee, 318 Customs House, 701 Broadway, Nashville, Tennessee 37203, by U. S. Mail (or otherwise dependably delivered) this 11<sup>th</sup> day of July, 2005.

**/s/ HENRY E. HILDEBRAND, III**

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Henry E. Hildebrand, III  
Standing Trustee